

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 06-0210CCC

1) ANGEL CRUZ-PEREZ

(Counts 1, 2, 3)

2) ISRAEL RUIZ-QUIÑONES

(Counts 1, 2, 3)

**3) CARLOS J. RODRIGUEZ-LUGO**

(Counts 1, 2, 3)

4) JOSE A. VAZQUEZ-CASTRO

(Counts 1, 2, 3)

5) HECTOR COLON-AVILEZ

(Counts 1, 2, 3)

6) LUIS MIGUEL CABALLERO-RUIZ

(Counts 1, 2, 3)

Defendants

**ORDER**

Having considered the Objections to the Presentence Investigation Report filed by defendant Carlos J. Rodríguez-Lugo on October 21, 2007 (**docket entry 215**) and the Second Addendum to the Presentence Report filed by the U.S. Probation Officer on December 10, 2007 (**docket entry 228**), defendant's objections to the Pre-Sentence Report are SUSTAINED. The Court NOTES that in her Second Addendum the U.S. Probation Officer conceded most of the objections raised by defendant, and the Pre-Sentence Report (PSR) is ordered to be amended accordingly.

The only objection which the U.S. Probation Officer declined to accept was that raised to paragraph 12 of the Report, which defendant asked be amended to reflect that he was arrested in a parking lot of a McDonald's restaurant in the town of Santa Isabel. The U.S. Probation Officer refused the requested amendment claiming that "the information contained within said paragraph was obtained from the stipulated version of the facts." Second Addendum at p. 2, ¶ 3. While it is true that the information contained in paragraph 12 coincides with what defendant stipulated in the version of facts, the Court has reviewed a

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Report of Investigation prepared by Special Agent Johnny Meléndez on June 27, 2006, which shows that defendant was arrested at the parking lot of a McDonald's restaurant in Santa Isabel, while his codefendants were arrested at "El Mariachi" restaurant in Caguas. There is no reason to exclude the information of where defendant was arrested from the PSR. Accordingly, paragraph 12 of the the PSR shall also be amended to reflect that information.

SO ORDERED.

At San Juan, Puerto Rico, on December 18, 2007.

S/CARMEN CONSUELO CEREZO  
United States District Judge